

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PETER KIGANO GATHIRU,

Petitioner,

v.

ERIC HOLDER, JR.,

Respondent.

NO. C15-398-JCC-JPD

REPORT AND
RECOMMENDATION

Proceeding *pro se*, petitioner filed a proposed habeas corpus petition pursuant to 28 U.S.C. § 2241. By letter dated March 16, 2015, petitioner was granted 30 days to either pay the filing fee or submit a completed application to proceed *in forma pauperis* (“IFP”), along with a certified copy of his prison trust account statement showing transactions for the past six months. Dkt. 2. Petitioner was advised that failure to respond to the letter by April 15, 2015, could result in dismissal of the case. *Id.*

To date, petitioner has neither paid the filing fee nor submitted a completed IFP application. Accordingly, the Court recommends that this action be DISMISSED without prejudice for failure to pay the filing fee pursuant to 28 U.S.C. § 1914. A proposed order accompanies this Report and Recommendation.

Objections to this Report and Recommendation, if any, should be filed with the Clerk and served upon all parties to this suit by no later than **May 21, 2015**. Failure to file objections within the specified time may affect your right to appeal. Objections should be noted for consideration on the District Judge's motion calendar for the third Friday after they are filed. Responses to objections may be filed within **fourteen (14)** days after service of objections. If no timely objections are filed, the matter will be ready for consideration by the District Judge on **May 22, 2015**.

This Report and Recommendation is not an appealable order. Thus, a notice of appeal seeking review in the Court of Appeals for the Ninth Circuit should not be filed until the assigned District Judge acts on this Report and Recommendation.

DATED this 30th day of April, 2015.

James P. Donohue
 JAMES P. DONOHUE
 Chief United States Magistrate Judge